

AMENDED

Serial No. 45405

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office FEB 26 1982

Returned to applicant for correction MAY 10 1982

Corrected application filed MAY 12 1982 Map filed MAY 12 1982

The applicant Marshall Earth Resources, Inc., Incorporated in State of Nevada, Dec. 3, 1979

One East Liberty Street of Reno
Street and No. or P.O. Box No. City or Town

Nevada (89501) hereby make application for permission to change the
State and Zip Code No.

Point of Diversion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit Number 44366
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.)

1. The source of water is Underground
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 1.0 second feet
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Mining, Milling and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point within NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T13N, R39E, MDM,
Describe as being within a 40-acre subdivision of public survey and by course and
or from a point from which the Northeast corner of Section 1, T12N, R38E, MDM
distance to a section corner. If on unsurveyed land, it should be stated.
bears S 81° 50' 04" W a distance of 10,880.2 feet

6. The existing permitted point of diversion is located within NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T13N, R39E, MDM,
If point of diversion is not changed, do not answer.
or at a point from which the Northeast corner of Section 1, T12N, R38E, MDM
bears S 73° 29' 55" W a distance of 13,512.50 feet

7. Proposed place of use E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 33, T13N, R39E, MDM (Unsurveyed)
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 33, T13N, R39E, MD. (Unsurveyed)
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Drilled and cased well, submersible pump,
State manner in which water is to be diverted, i.e. diversion structure, ditches,
electric motor, distribution system.
pipes and flumes, or drilled well, etc.

12. Estimated cost of works 15,000.00

13. Estimated time required to construct works Two Years

14. Estimated time required to complete the application of water to beneficial use. Four Years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water will be used for mining, milling and domestic purposes. Annual
duty not to exceed 700 acre feet per year.

By s/Harry R. Ericson
Harry R. Ericson, Agent
950 Industrial Way, Sparks, Nevada (89431)

Compared bc/js js/bc

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 44366 is issued subject to the terms and conditions imposed in said Permit 44366 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 35890, 45405, 45479, 45480, 45747, 46217, 46638 and 46639 shall not exceed 65.18 million gallons annually.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

(CONTINUED ON Page 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 65.18 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before October 17, 1987

Proof of completion of work shall be filed before November 17, 1987

Application of water to beneficial use shall be made on or before October 17, 1989


Proof of the application of water to beneficial use shall be filed on or before November 17, 1989


Map in support of proof of beneficial use shall be filed on or before _____

Completion of work filed _____ IN TESTIMONY WHEREOF, I PETER G. MORROS,
State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed _____ my office, this 19th day of May,

Cultural map filed _____ A.D. 1986

Certificate No. _____ Issued _____

State Engineer

2407 (Rev. 6-81)
WITHDRAWN BY APPLICANT MAR 20 1989

STATE ENGINEER

(PERMIT TERMS CONTINUED)

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined rate of diversion issued under Permits 35890, 45405, 45479, 45480, 45747, 46217, 46638 and 46639 shall not exceed 4.189 c.f.s.